

September 1952

THE MARITIME LAW ASSOCIATION  
OF THE UNITED STATES

**REPORT OF SUB-COMMITTEE OF THE COMMITTEE  
ON SUPREME COURT ADMIRALTY RULES**

**Proposal for Immediate Adoption of Interim Amendments  
Pending Further Study and Consideration of Overall  
Amendments Proposed by the Committee**

On August 18, 1952, the Committee on Supreme Court Admiralty Rules submitted its Report, which was considered at a special meeting of the Executive Committee of the Maritime Law Association on September 4, 1952. A large majority of the Executive Committee approved in principle the proposed amendments to the rules, but it was recognized that because of the multiplicity of detail members of the Judiciary and the Admiralty Bar throughout the country should be afforded opportunity carefully to study the proposals.

In the circumstances there is insufficient time to seek formal adoption of the overall changes included in the Report of the Rules Committee. On the other hand, it is recognized that there is urgent need to amend and complement certain of the Admiralty Rules in respect of matters which have heretofore had detailed consideration and which are not deemed controversial. These include:

1. Depositions and Discovery, including deposition before action (To bring Admiralty Rules 31, 32, 32-A, 32-B and 32-C, taken from the original F.R.C.P., up to date, and to correct the inadvertent repeal of R. S. 866 in 1948).
2. Subpoena (To correct the inadvertent repeal in 1948 of R. S. 876, the 100-mile rule).
3. Summary Decree (To extend to Admiralty practice a method of disposing of cases without waiting for routine trials).
4. Venue in Limitation of Liability Cases (To adopt, in substance, Rule 54 as it was before the amendments of 1948, and as approved by the Executive Committee in Document No. 348, September, 1951).

The temporary amendments here proposed are consistent with the approach and recommendations of the committee of the whole

in their endeavor to bring the Admiralty Rules up to date and have them conform with the Federal Rules of Civil Procedure so far as practicable, without doing violence to procedures inherently essential to the needs of the Admiralty law.

It is hoped that the points here included may be promptly put before the appropriate bodies for consideration. If approved by the Supreme Court and sent to the Congress in January, 1953, these interim rules could go into effect in April, 1953.

Respectfully submitted,

SUB-COMMITTEE OF THE COMMITTEE ON  
SUPREME COURT ADMIRALTY RULES  
WILLIAM G. SYMMERS, Chairman  
JOHN C. CRAWLEY  
CHARLES N. FIDDLER  
ARNOLD W. KNAUTH

Dated: September 10, 1952.

**INTERIM AMENDMENTS TO SUPREME COURT  
ADMIRALTY RULES PROPOSED FOR ADOPTION  
IN 1953**

**I**

Rule 44½ of the Admiralty Rules of the Supreme Court is amended to read as follows:

**APPLICABILITY OF FEDERAL RULES OF CIVIL PROCEDURE**

Rules 16, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 45 and 56 of the Federal Rules of Civil Procedure shall be applicable to cases in Admiralty, subject to the provisions herein set forth.

- (A) References to pleadings, parties and judgment shall be deemed to refer to their analogous counterparts under these rules.
- (B) Leave shall not be necessary at any time to serve a notice of the taking of a deposition after the commencement of an action. The payment of counsel fees or travelling expenses to any of the parties served with a notice of taking a deposition may not be imposed as a condition of taking a deposition within the United States.
- (C) The court in its discretion may shorten the time for notice of the hearing of an application pursuant to Rule 27 of the Federal Rules of Civil Procedure.
- (D) Interrogatories may be annexed to a libel or petition without leave of court, in which event the time to object to or answer such interrogatories shall be the same as the time to respond to such pleading, except that interrogatories addressed to a garnishee shall be answered by the return date of the process.

**II**

Rules 31, 32, 32-A, 32-B and 32-C of the Admiralty Rules of the Supreme Court are abrogated.

**III**

Rule 54 of the Admiralty Rules of the Supreme Court is amended to read as follows:

**COURTS HAVING COGNIZANCE OF LIMITED LIABILITY  
PROCEDURE**

The petition shall be filed and the proceedings had in any United States District Court in which the vessel has been libelled to answer for any claim in respect of which the petitioner seeks to limit liability. If the vessel has not been so libelled, the proceedings may be had in the District Court for any District in which the owner has been sued in which an action is pending against the owner in respect of any such claim, or in the District Court of the District in which the said vessel may be. If no suit has been commenced in any District, then the petition may be filed in any District Court. The District Court may, in its discretion, transfer the proceedings to any District for the convenience of the parties. If the vessel shall have already been sold, the proceeds shall represent the same for the purposes of these rules.